

## **Gerrymandering and the “Rigging” of Elections What is legal and what isn’t?**

Article 1, Section 4:

“The Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof...”

Early leaders, including a Governor Gerry, decided that the “manner” of holding elections could include the drawing of boundaries so that one party was favored over another. Such boundaries came to be known as gerrymandering; that is, grouping districts together so that one party was consistently more likely to win over another.

Is gerrymandering legal?

- Since political parties are not protected by the Constitution, federal courts have determined that boundaries that consistently give one party a likely chance of winning is legal. State legislatures often gerrymander House districts.
  
- States must “re-apportion” boundaries after every 10 year census and that is often when the party in power tries to arrange voting districts in their favor.
  
- The modern interpretations of the 14<sup>th</sup> Amendment began the process of making states follow federal civil rights guidelines from the Bill of Rights.
  
- However, since the court case of *Baker versus Carr, 1962* the Supreme Court has ruled that gerrymandering can favor parties, but not ethnic groups. Ethnic voting rights cannot be restricted by voting boundaries.
  
- The Civil Rights and Voting Rights Acts of the 1960s further strengthened the idea that minority voting rights cannot be gerrymandered.

Today, during each re-apportionment, the majority party tries to draw boundaries for the House that favor their party but do not also restrict minority rights. This can be difficult.

The losing political party often immediately attacks the new boundaries as being restrictive of minority rights and therefore illegal. Federal courts have to resolve the fights.